

NEW HAMPSHIRE LAW LIBRARY

SEP 03 1998

CONCORD, N.H.

1951

Nov. 1

John L. Smalldon, M. D.,
Superintendent, New Hampshire State Hospital
Pleasant Street
Concord, New Hampshire

Dear Dr. Smalldon:

You have inquired as to whether or not, Trustees of the State Hospital may cause an indigent patient to be buried at a cemetery other than the one in the State Hospital grounds.

The present provision is contained in chapter 17, section 24 of the Revised Laws. This section merely states that such a patient may be buried at the expense of the state in the lot purchased for that purpose. It does not specify the cemetery at the State Hospital. The original statute is contained in the laws of 1909, chapter 89. This statutory provision is as follows:

"Sect. 1. The trustees of the New Hampshire State Hospital are hereby authorized and empowered to purchase, on behalf of the state, a suitable lot, costing not exceeding three hundred dollars, for the burial of deceased dependent insane inmates of the hospital; and the governor, with the advice and consent of the council, is hereby authorized to draw a warrant upon the state treasurer for the payment of such cost, from any money in the treasury not otherwise appropriated.

"Sect. 2. The said trustees are further hereby authorized and empowered to cause to be buried, at the expense of the state, in the lot purchased under the authority conferred by section 1, any inmate of the hospital who dies, and who, while living, was supported at the expense of the state, and who has no kindred or friends who will give the deceased a decent burial elsewhere at their own expense."

It is clear from a reading of the above that the

C O P Y

John L. Smalldon, M. D.

-2-

November 1, 1951

legislative intent was that indigent, insane persons who had been cared for during their lifetime at the expense of the State should be buried in the lot provided by the Laws of 1909, chapter 89.

It is my opinion that the Trustees may not cause an indigent, insane person to be buried at the expense of the State in any cemetery other than the one located on the State Hospital grounds.

Very truly yours,

Henry Dowst, Jr.,
Assistant Attorney General

HD:RM